

FIFTH DAY

(Thursday, January 18, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Hazlewood	Vick
Nokes	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Nokes was granted leave of absence for today on account of important business on motion of Senator Hudson.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Fuller.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Moffett:

S. B. No. 42, A bill to be entitled "An Act amending Paragraph 1 of Article 1716, Chapter 12, Title 19, of the Penal Code of the State of Texas, 1925, relating to commercial fertilizer; defining certain terms; and declaring an emergency."

To Committee on Agricultural Affairs.

By Senator Bullock:

S. B. No. 43, A bill to be entitled "An Act to amend Section 6 of Article 827a of the Penal Code of the State of Texas; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senators Bracewell, McDonald, Phillips, and Corbin:

S. B. No. 44, A bill to be entitled "An Act concerning the education of exceptional children, adding the education of mentally retarded children to the present program, amending Subsection (4) of Section 1 of Article III of Senate Bill 116, Acts 51st Legislature, Regular Session, 1949, Chapter 334; repealing Senate Bill 38, Acts 49th Legislature, 1945, Chapter 369; Senate Bill 123, Acts 50th Legislature, 1947, Chapter 136; and Senate Bill 399, Acts 50th Legislature, 1947, Chapter 252; and declaring an emergency."

To Committee on Educational Affairs.

By Senator Bell:

S. B. No. 45, A bill to be entitled "An Act to amend Sections 8 and 12 of Senate Bill 111, Chapter 61, Page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

To Committee on Banking.

By Senator Bell:

S. B. No. 46, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue Fund of this State for the operation of the Building and Loan Division of the Banking Department, and declaring an emergency."

To Committee on Finance.

By Senator Bell:

S. B. No. 47, A bill to be entitled "An Act amending House Bill 612, Chapter 230, Page 424, Acts of 1947, 50th Legislature (being known as Article 4591d, Vernon's Texas Statutes 1948) so as to provide that any bank or trust company doing business in this State may, at its option, remain closed on either Wednesday or Saturday of any week (but not on both days) and that such day shall be deemed to be a legal holiday for bank purposes; providing manner in which

such institutions shall designate such permissive holiday and give the public notice thereof; providing that such institutions may transact business on certain holidays; providing a saving clause; and declaring an emergency."

To Committee on Banking.

By Senator Bell:

S. B. No. 48, A bill to be entitled "An Act re-enacting and amending Articles 563 and 564 of the Code of Criminal Procedure of the State of Texas, 1925, relating to change of venue, providing for a change of venue in the trial of felony cases or in the trial of misdemeanor cases in the county court when jury can not be had; providing for determination of all motions to set aside the indictment, information or complaint before granting an application for change of venue, and for determination of special pleas and exceptions filed which are to be determined by the judge, and for entry of plea of not guilty, if overruled; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Parkhouse:

S. B. No. 49, A bill to be entitled "An Act amending Section 136 of Article 14 of Senate Bill 172, Chapter 421, Acts of the Fiftieth Legislature, 1947, by adding thereto a new subsection to be known as Subsection (d), providing penalties for the violation of the provisions of said Section 136; providing that this act shall be cumulative; and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senators Hazlewood and Corbin:

S. B. No. 50, A bill to be entitled "An Act approving and adopting the Canadian River Compact; appointing the Interstate Compact Commissioner to administer the provisions of the Compact; appropriating for the expenses of administering the Compact; and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Tynan:

S. B. No. 51, A bill to be entitled "An Act providing that no pension or retirement benefit plan or system for employees of any Texas municipality, whether provided for by General or special law, city charter, or

city ordinance, shall apply to employees of any Board of Trustees created or appointed in pursuance of Article 1115, Revised Statutes, or any similar law, except with the approval of such Board of Trustees and the making of provisions for the payments out of revenues from the properties or utilities operated by such board necessary to meet all contributions to be made by the employer under any such plan, and providing that any plan or system heretofore or hereafter adopted by any such Board of Trustees shall apply to the employees of the board independently of and to the exclusion of any plan affecting other employees of the municipality; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Martin:

S. B. No. 52, A bill to be entitled "An Act to amend Section 2 and Section 4 of Article 6701a of the Revised Civil Statutes of Texas, repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senator Russell:

S. B. No. 53, A bill to be entitled "An Act amending Chapter 10, Title 78, Revised Civil Statutes of 1925, by adding a new article to be known as Article 4891a, providing that the Board of Insurance Commissioners shall not make, prescribe or promulgate any regulation or rule that will make any form of deductible clause mandatorily applicable to windstorm, hurricane and hail insurance on all buildings and structures; providing a saving clause; and declaring an emergency."

To Committee on Insurance.

By Senators Corbin, Kelley of Hidalgo, Tynan, Martin, Strauss and Carter:

S. B. No. 54, A bill to be entitled "An Act to authorize the issuance of licenses to Auxiliary Nurses in this State by a Board of Auxiliary Nurse Examiners; defining terms; prohibiting practicing as an Auxiliary Nurse without a license; providing waiver period for compliance with licensing

provisions; allowing certain exceptions; creating a Board of Auxiliary Nurse Examiners and providing terms of office and qualifications for same; designating officers of the Board and prescribing duties; providing for Visiting Secretary; and designating time of meetings by the Board; providing for holding examinations and issuance of licenses for Auxiliary Nurses; prescribing minimum standards of teaching for Auxiliary Nurses; providing for the issuance of licenses to presently practicing Auxiliary Nurses; providing for license by reciprocity; providing for the renewal of licenses; providing for the payment of fees; providing for the revocation of licenses; providing for injunction in District Courts; providing for the accrediting of training schools; hospitals and institutions for training Auxiliary Nurses; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Public Health.

By Senator Carney:

S. B. No. 55, A bill to be entitled "An Act making an appropriation to pay the principal of a certain judgment against the State of Texas in Cause No. 86997 in the 98th District Court of Travis County, Texas, styled Trinity County Lumber County, et al. vs. The State of Texas, according to the tenor, effect and reading of such judgment; providing that only the principal of such judgment be paid and that no interest be paid thereon; and declaring an emergency."

To Committee on Finance.

Senate Bill and Resolution Referred

The following Senate bill and resolution which had been held by the President pro tempore pending appointment of the Standing Committees were referred by the President to the committees indicated:

S. B. No. 25—To Committee on Insurance.

S. J. R. No. 2—To Committee on Constitutional Amendments.

Senate Resolution 14

Senator Weinert offered the following resolution:

Resolved, that the permanent rules of the Senate of the 51st Legislature as adopted by the Senate on January 17, 1949, and as published in the Manual of the 51st Legislature, be adopted as the permanent rules of the Senate of the 52nd Legislature.

The resolution was read.

On motion of Senator Weinert and by unanimous consent, the resolution was considered immediately and was adopted by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Hazlewood	Vick
Nokes	

Appointment of Assignment Committee

The President announced the appointment of the following Assignment Committee:

Lock, Chairman; Ashley, Vice Chairman; Aikin, Carney and Phillips.

Adjournment

On motion of Senator Hudson, the Senate at 11:00 o'clock a.m. adjourned until 10:30 o'clock a.m., on Monday, January 22, 1951.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

In Memory of
Honorable Myron Greer Blalock

Senator Lane offered the following resolution:

(Senate Resolution 13)

Whereas, On December 28th, 1950, the illustrious career of the Honorable Myron Greer Blalock was closed by his death at Marshall, Harrison County, Texas; and

Whereas, Myron Greer Blalock was born in Harrison County, Texas, on January 3, 1891, the son of William Meredith and Willie Henry Blalock; and

Whereas, He attended the University of Texas, receiving his A. B. degree in 1914 and his LL.B. degree in 1919; and

Whereas, He was admitted to the Texas Bar in 1916, and had been a member of his own firm since 1919, and at his passing was a member of Blalock, Blalock, Lohman & Blalock, of Marshall and Houston; and

Whereas, He was a member of the Harrison County Bar, the State Bar of Texas, the American Bar, the Methodist Church, the American Legion, a Mason and a Shriner; and

Whereas, In his death Texans witnessed the close of the career of one whose footsteps marked service and progress on every path he chose to travel, whether in the law, civic enterprises, service to his country or in public office; and

Whereas, He has rendered his State and Country and the citizenship thereof many distinguished services, among them being Captain and Major, U. S. Army, 1917 to 1919, Major, Texas National Guard, 1923-1938, Lt. Colonel, 36th Division (Texas National Guard), U. S. Army 1938-1941, Colonel, Headquarters Army Service Forces, Washington, D. C., 1941-1943, member Texas House of Representatives, 1913-1918, Chairman, Democratic Executive Committee of Texas, 1934-1938, Chairman, Democratic National Campaign Committee, 1940-1948, and Chief Justice, Court of Civil Appeals, Sixth District, Texarkana, 1932; and

Whereas, He was survived by the following members of his immediate family, his widow, the former Bertha Mary Storey, two daughters, Mary Dorothy and Jo Ann, and one son, Myron Greer Blalock, Jr.; Now, therefore be it

Resolved, By the Senate of the State of Texas, that we express to the immediate members of the family of the deceased our appreciation for his devoted and unselfish service to his State, his Country and his untiring efforts toward peace, harmony and strength of the Democratic Party and our sincere sympathy and regret on the passing of this distinguished citizen; that a page be set aside in the Senate Journal as a memorial to him; and that a copy of this resolution be mailed to the family of the deceased.

LANE

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Dr. Hal F. Buckner

Senator Parkhouse offered the following resolution:

(Senate Resolution 15)

Whereas, On Tuesday the 16th day of January, 1951, our Almighty God called from his earthly existence Dr. Hal F. Buckner, son of the late Dr. Robert Cooke Buckner, founder of Buckner's Orphan Home in Dallas, Dallas County, Texas; and

Whereas, We realize that we must yield to the inscrutable ways of Providence and bow to the will of Him who doeth all things well; and

Whereas, Dr. Hal F. Buckner, head of the Buckner Orphans Home since 1919, was born in Dallas on October 13, 1878; attended Dallas schools, Baylor University and the Southern Baptist Theological Seminary at Louisville, Kentucky. In the early days of his ministry he served as pastor of Baptist churches in many Texas and Oklahoma towns, and as a missionary in China. He was pastor of the Buckner Home Baptist Church, a member of the R. C. Buckner Masonic Lodge, and a 32nd degree Mason and Knight Templar; and

Whereas, Dr. Buckner is survived by his widow; three sons, Robert Cooke Buckner, II, Travis K. Buckner, and Franklin A. Buckner; and a daughter, Mrs. J. H. Shurette; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the useful life of this man, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the members of the family of the deceased our sincere regret upon the passing of this noble man; that a copy of this resolution be mailed to his family; and that when the Senate stands adjourned today, it do so in respect to the memory of Dr. Hal F. Buckner.

PARKHOUSE

The resolution was read and was adopted by a rising vote of the Senate.